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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,859	10/12/2001	Ross Alexander Saunders	SOI 0001 PA	2531

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
NGUYEN, HANH N	
ART UNIT	**PAPER NUMBER**
2616	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/976,859	SAUNDERS ET AL.	
	Examiner	Art Unit	
	Hanh Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Application filed on 10/12/01*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 17-35* is/are rejected.

7)☒ Claim(s) *14-16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/12/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17, 18, 31 are rejected under 35 USC 102(e) as being anticipated by Ash et al. (US pat. 6,778,535 B1).

In claims 17, 18, 31, Ash et al. discloses, in fig.1, a method for providing difierentiated services (providing different class of services) for internal applications (for different calls) of a DWDM transmission network (ATM network 10 comprising optical links), comprising providing communication between a source node (see fig.2, node 1) and a destination node (fig.2, node 4) over a plurality of intermediate nodes (nodes 5 and 6) for transmitting user traffic (transmitting a call) along a communication path (path A); at said source node, transmitting QOS information (setting up a call by transmitting a signalling message comprising a bandwidth requirement over each intermediate node along a selected path) over a supervisory network (ATM network 10) connecting said source (node 1) and destination nodes (node 4) over said plurality of intermediate nodes (nodes 5 and 6); and controlling operation of all said intermediate nodes and said destination node according to said QOS information (required bandwidth between each intermediate node along (link) the path is controlled to ascertain that the call can be transmitted between the source node 1 and desstination node 4. Otherwise, a

crankback message (control information) is sent back to the source node 1). See col.2, lines 35-65 & col.3, lines 5-30 & col. 5, lines 40-50.

Claims 1-7, 9, 10, 12, 13, 19-30 and 32-35 are rejected under 35 USC 102(e) as being anticipated by Wang et al. (US pat. 6,775,268 B1).

Note: from specification on page 15, line 10, the optical transport network may also be a packet-oriented network, therefore, examiner considers an ATM transport network as the optical transport network.

In claims 34 and 35, Wang et al. discloses an optical transport network (ATM transport network; see col.6, line 65- col.7, line15) comprising a transport plane (ADSL transmission system 18; fig.2) ; a control plane (fig.3, control plane 40) including supervisory channels connecting adjacent nodes (see col.8, lines 62-67; control plane 40 establishes circuits, calls, manages connections and includes a connection admission control); a packet network (ATM network) on top of said control plane for switching/routing control plane traffic according to a preset class of service (CoS) (providing virtual connections corresponding with a desired service category and a latency; see fig.4, steps 52, 54 and 56; col.9, line 65 to col.10, line 45).

In claim 1, examiner considers the WDM layer applications as " network performance" and "signaling request" as specified in specification page 9, table 1.

Wang et al. discloses in an optical network (see col.6, line 65- col.7, line15; ATM transport network), a method for providing differentiated services for a plurality of WDM layer applications (providing different services such as cost, transit delay, data priority, transfer rates for data delivery to a destination based on a network performance; see col.7, lines 35-55) comprising providing communication over said optical network for transmitting user traffic

along a communication path (see fig.4, steps 52-56, provide a virtual connection over ATM network for transmitting users data to a customer stie ATU-R22 along path 24); and controlling execution of each said WDM layer applications supporting said communication path according to a class of service (CoS) (see fig.5, control plane 40 determines if there are enough transport resources for a requested SVC corresponding to a desired service category; see col.11, lines 1-10).

In claim 2, as disclosed in the rejection of claim 1, Wang et al. et al. further discloses transmitting control data over supervisory network for supporting the class of service to each network element (fig.4, step 52, transmitting a control signal over a transport ATM network requesting a desired service category on a virtual connection; see col.9, line 65- col.10, line 10).

In claims 9 and 19, Wang et al. discloses said supervisory network (ATM netwwork) is carried over plurality of supervisory channels (OSC) (SVC is established over ATM network). See fig.3 and 4.

In claim 20, as disclosed in the rejection of claim 9 and 19, the supervisory network is ATM network. Therefore, the ATM network inherently comprises ATM switches.

In claims 21 and 22, Wang et al. discloses said transmission network is an IP/TCP network and said source, destination, and intermediate nodes comprise IP routers (see abstract and col.7, lines 1-10, the transport network comprises IP network, ATM, Frame relay or any other transport network). Therefore, the IP router in the Ip network may be diffserv enable Ip router.

In claim 10, as disclosed in the rejection of claim 1, Wang et al. further discloses, in figure 6, terminal equipment interface 76).

In claims 32 and 33, Wang et al. discloses information is a signaling traffic and and user traffic (user sends a request information for a svc).

In claims 3, 4, 5, 6, 7 and 23-30, Wang et al. discloses control data (control signals) providing operating parameters (desired service indicators such as QOS parameters; see col.10, lines 5-10 and col.7, lines 40-50), wherein the operating parameters include priority level (priorit associated with data), latency level (transit delay to deliver data to a destination), acceptable loss level (error propability) and bandwidth (transfer rates). See col.7, lines 35-55.

In claims 12 and 13, the limitations of these claims have been addressed in claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 8, 11 are rejected under 35 USC 103(a) as being unpatentable over Wang et al. (US pat. 6,775,268 B1).

In claim 8, Wang et al. discloses the layer applications including performance monitoring control (network performance control), provision request (request for SVC). Other layer applications in the art such as safety shutdown, internode control loop, alarm, orderwire and remote software download are also applied to Wang et al. to provide desired quality of services for different applications.

In claim 11, wang et al. discloses the control signal includes ATM call setup, Frame relay setup or other control signals. Therefore, it is well-known in the art that the control signal comprises Protocol Data Unit transported over the ATM network (supervisory network). See col.10, lines 5-10.

Allowable Subject Matter

Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In claim 14, the prior art does not disclose at a first network element,

a) receiving a drop supervisory PDU comprising Qos information;

b) determining from an identification tag that said drop supervisory PDU is destined to said first network element;

c) extracting said QOS information from said drop supervisory PDU; and

d) executing said WDM layer application according to said Qos information.

In claim 15, the prior art does not disclose at a first network element,

a) receiving a continue supervisory PDU comprising QOS information;

b) determining from an identification tag that said supervisory PDU is destined to a second network element of said communication path; and

c) transmitting said supervisory PDU over said supervisory network.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Glade (US pat. 6,643,290 B1);

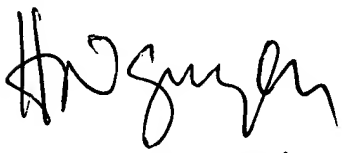
Chen et al. (US pat. 6,097,699).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8:30 to 5:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571 272 7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



HANH NGUYEN
PRIMARY EXAMINER